

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PHIL VAN BRUNT,

Plaintiff,

ORDER

v.

09-cv-644-bbc

STATE OF WISCONSIN and
UNITED STATES OF AMERICA,

Defendants.

This is a proposed civil action filed by plaintiff Phil Van Brunt, a resident of Twin Lakes, Wisconsin. He seeks leave to proceed without prepayment of fees and costs or providing security for such fees and costs, pursuant to 28 U.S.C. § 1915. From the affidavit of indigency accompanying plaintiff's proposed complaint, it appears that he may have sufficient funds to pay the fee, or a portion of the fee for filing his complaint. However, because plaintiff fails to state a claim upon which relief may be granted, I will assume that plaintiff is indigent for the purpose of deciding his request for leave to proceed in forma pauperis, thereby saving him from submitting needless paperwork or incurring needless expense.

In addressing any pro se litigant's complaint, the court must construe the complaint liberally. Haines v. Kerner, 404 U.S. 519, 521 (1972). The court will grant leave to proceed if there is an arguable basis for a claim in fact or law. Neitzke v. Williams, 490 U.S. 319, 325 (1989). When a complaint contains factually baseless claims, such as those "describing fantastic or delusional scenarios," a district court can properly deny a plaintiff leave to proceed. Id. At 327-38. "[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible" Denton v. Hernandez, 504 U.S. 25, 33 (1992).

As the sampling of plaintiff's allegations from the complaint set forth below reveal, plaintiff's complaint fits this description.

FBI SAY NO TO DRUG RING FBI SAY NO TO KIDNAPING
DAUGHTER MEDICAL ABUSE BY PLAIN CLOTHES
WHETHER STATE/FEDERAL ② MEN

RELATIVES SAY 2 PLAIN CLOTHES MEN TELL RELATIVES
NOT ② HELP COURTS OF WISCONSIN SAY NO HELP

MAIL OPENED LAST 15 YEARS PLAIN CLOTHES SAY NO
MOVE ② WISCONSIN 15 YEARS AGO. MEDICAL FOLKS
SAY NO ♥ SURGERY ② PLAIN CLOTHES SAY MEDICAL
SURGERY@ FROEDERTS SOMEBODY SAY NO COPS CALL
& SEE OF DEAD YET AFTER ♥ SURGERY ⑤ PIPES [All sic]

Two days after filing the complaint, plaintiff filed a supplement to the complaint, dkt. #3, which only underscores the baselessness of his allegations are baseless and his failure to

state a claim upon which relief may be granted.

NOW COMES PLAINTIFF PHIL VAN BRUNT TO REQUIRE A DEPTPARTMENT TO GIVE COMPLAINT OF HATE CRIMES TO, THEY HAVE REFUSED, TO SHOW US THAT THE SECRET POLICE RULE SOUTHEAST WISCONSIN (PLAINCLOTHES) WHETHER THEY ARE F.B.I. OR WISCONSIN PRESIDENT OBAMA & GOVENOR JIM DOYAL REFUSE TO ANSWER.

SECRET POLICE SAY TO WAUSAU HOMES DON'T BUILD HOUSE, YOU CAN'T COME TO WISC WITHOUT OUR PERMISSION. SON WAS PRESIANT, BUILDER SAY BUY HIM OUT. CONTROL OF BANKS, MEDICAL DOCTORS, ATTORNEYS, COPS HOSPITALS, RELATIVES (TELL THEM NOT TO HELP) ALL NEIGHBORS NOT TO HELP-TALK FOR 15 YEARS, UNHEARD OF CRIMES. NO JURY FOR SPEEDING TICKET, CIVIL RIGHTS VIOLATIONS, OLD AGE, RELIGION, DISABILITY, HATE CRIMES BY PLAIN CLOTHES FOLKS HOSPITALS SAY. GIVE NO MONEY TO SON-IN-LAW, DESPITE HE SAY HE WILL PAY \$5555.00 TO ME IN WILL (KIDNAPING BY SISTER-IN-LAWS) CLAIMS THEY BUGGED HIS HOUSE. OBJECTS BELOW.

A. BANKS CONTROL ATM AND REFUSE MONEY, AFTER MESSAGE, M&I BANK GUARANTY BANK @ RACINE (WE ARE TOLD NOT TO HELP U) AUTO LOAN (RACINE) HOME MORTAGAGE JOHNSON BANK, RACINE, ASSOCIATED BANK NO MONTHLY PAYMENT FOR MORTGAGE, JUNE 2009, ATM ABUSE, NO MONEY JANESVILLE THE WORSE, CLAIMS YOU GOT 5 YEAR OLD CHECKS? NO CHANGE AUTO PAYMENT FOR MORTGAGE, ASS BANK, MAIL BOX TAMPERING REAL BAD MEDICARE OPEN LETTERS FOR \$39,210.05, MAIL PROBLEM I.E. IOWA, BAD M.D.'S TOLD NOT TO HELP, LIES ABOUT HEART, ETC NO PILLS, RELATIVES TOLD NOT TO HELP, CF: DEAN

NAVY CHAPLIN: NEIGHBORS TOLD NOT TO HELP, STAND OFF FOR HOUSE BUILDING, DON'T DO IT GOV'T SAYS, WAUSAU BUILDS ANYWAYS. MUST HAVE CHECKING FOR MORTGAGE, ATM IS NICE, BUT THEY WANT ME TO GO INSIDE??? BANKS ABUSE (ATM'S) NOW NO AUTO DEDUCTION FROM ASSOCIATED BANK TO U.S. BANK GAL FIRED WHO SET IT UP!! FED BANK COMMISSIONER WILL DO NOTHING EXCEPT THEY MADE GUARANTY BANK GIVE CAR LOAN, BUT SOON AS INVESTIGATION WAS OVER THEY STARTED ATM ABUSE, SO I QUIT PAID 4 CAR. SECRET COPS DO THIS???? LETTERS TO GOVERNOR & O' BAMA FOR HATE CRIME!! NEED COURT ORDER TO STOP THIS???? [All sic]

The court will grant leave to proceed if there is an arguable basis for a claim in fact or law. Neitzke v. Williams, 490 U.S. 319, 325 (1989). When a complaint contains factually baseless claims, such as those “describing fantastic or delusional scenarios,” a district court can properly deny a plaintiff leave to proceed. Id. at 327-28. “[A] finding of factual frivolousness is appropriate when the facts alleges rise to the level of the irrational or the wholly incredible” Denton v. Hernandez, 504 U.S. 25, 33 (1992).

Plaintiff's allegations concerning plain clothes police officers and bank abuse describe fantastic or delusional scenarios. In addition, plaintiff's allegations of hate crimes are wholly incredible. It is clear that plaintiff is concerned about actions that have been taken against him but he does not describe any actions that could form the basis for a lawsuit.

Because I am convinced that plaintiff's complaint alleges only factually baseless claims, I must deny his request for leave to proceed in forma pauperis and dismiss this case. Accordingly, plaintiff's motions for appointment of counsel and for extension of time to file

hate crime documents are denied as moot.

ORDER

IT IS ORDERED that

1. Plaintiff Phil Van Brunt's request for leave to proceed in forma pauperis is DENIED because the allegations of his complaint are legally frivolous.

2. Plaintiff's motions for appointment of counsel and for extension of time to file hate crime documents, dkt. #4, are DENIED.

3. The clerk of court is directed to enter judgment closing this case.

Entered this 28th day of October, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge